



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
PO Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09-495,710	02/01/2000	Andress Sommer	P66-2717	5203

7590 05/14/2003

SCHIFF HARDIN & WAITE
PATENT DEPARTMENT
7100 SEARS TOWER
CHICAGO, IL 60606-6473

[REDACTED] EXAMINER

SONG, HOON K

ART UNIT	PAPER NUMBER
2882	

DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/495,710	SOMMER, ANDRESS
	Examiner	Art Unit
	Hoon K Song	2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 March 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 February 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al. (US 5848126) in view of Kok (US 3803417).

Regarding claims 1-2 and 4, Fujita teaches a computed tomography apparatus comprising:

a gantry having a measuring opening (figures 1 and 23a);
an x-ray source mounted in said gantry having a focus from which radiation is emitted, at least said focus rotating around said measuring opening for irradiating an examination subject from different directions (figures 1 and 23a);

a detector disposed in said opening for obtaining projection datasets corresponding to radiation incident on said detector as said focus rotates around said measuring opening (figures 1 and 23a);

a support table having a support plate, adapted to receive an examination subject thereon, and a carrier, said support plate being mounted cantilevered to said

Art Unit: 2882

carrier; and a mechanism for moving said gantry independently of said support table, including movement of said gantry into a use position wherein said support plate extends through said measuring opening (figures 1 and 23a).

However, Fujita merely teaches that the support plate being non-displaceably mounted.

Kok teaches the support plate (17) being non-displaceably mounted (figure 1) and said movable carrier comprises a floor stand (16).

In view of Kok, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to adopt the non-displaceable mount in order to position a patient between the x-ray and detector for whatever medical procedure is to follow (column 3 line 65+). Accordingly, one would be motivated to adopt the non-displaceable mount because it would eliminate movement mechanism of the support plate since the source and detector pair is independently moved to position the patient in between (figure 1 and column 3 line 65+).

Regarding claim 5, Fujita teaches that said support table has a longitudinal axis and wherein said gantry has a system axis, and wherein said support table is positionable (25) relative to said gantry so that said longitudinal axis and said system axis, when projected into a horizontal plane, intersect when said gantry is in said use position (figure 1 and 23a).

Regarding claim 6, Fujita teaches that said gantry has a system axis and further comprising a motor drive (85) for moving said gantry along said system axis to allow

Art Unit: 2882

scanning of a volume of an examination subject adapted to be received on said support plate in said measuring opening (figure 25).

Regarding claim 7, Fujita teaches that said mechanism comprises rails (17) along which said gantry is movable (figure 1).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita as modified by Kok as applied to claim 1 above, and further in view of Barth (US 6125163).

Regarding claim 3, Fujita as modified by Kok merely teaches that the carrier comprises a ceiling stand.

Barth teaches the ceiling stand (10, figure 7)

In view of Barth, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to adopt the ceiling stand in order to support a patient (column 5 line 15+). Accordingly, one would be motivated to adopt the ceiling support because it would eliminate obstacle under the support plate since the source and detector pair is positioned to accept the patient in between (figure 7).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoon K Song whose telephone number is 703-308-2736. The examiner can normally be reached on 8:30 AM - 5 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on 703-305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-4858 for regular communications and 703-308-7724 for After Final communications.

Art Unit: 2882

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Hoon K. Song

April 21, 2003

